

Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Initially, it is noted that ownership of the above-identified application has been transferred recently, and revocation and power of attorney papers will soon be made of record. In the meantime, the undersigned counsel confirms that authority to act on behalf of the new owner has been provided to the undersigned.

By the above amendments to the claims, claims 1, 5, 9, 13, 15, 16, and 19 have been amended, and claims 2-4, 6, 10-12, 14, 17, and 18 have been cancelled without prejudice. Descriptive support for the amendments to claim 1 is provided at page 2, lines 3-10, and in original claims 3, 4, and 6. Descriptive support for the amendments to claim 9 is provided at page 2, lines 3-10, and page 4, line 24 to page 5, line 24 of the application, and in original claims 11, 12, and 14. Therefore, no new matter has been introduced. Claims 1, 5, 7-9, 13, 15, 16, 19, and 20 remain pending. No excess claim fees are due with this submission.

The rejection of claims 17 and 18 under 35 U.S.C. § 101 is rendered moot by the cancellation of these claims without prejudice. This rejection should be withdrawn.

The rejection of claims 1-6, 9-14, 17, and 19 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,133,909 to Schein et al. ("Schein") is rendered moot with respect to the presently cancelled claims and is otherwise respectfully traversed.

Schein is cited by the U.S. Patent and Trademark Office ("PTO") for prompting user input to identify potential favorite programming based upon the user input, and then displaying the potential favorite programs on a menu. The PTO also asserts on page 4 of the office action that Schein teaches a number of visual cues, citing the discussion at col. 12, lines 16-30. Despite this assertion, however, the cited portions of Schein do not teach the use of visual cues as presently claimed, because Schein merely provides a list of categories such as COMEDY or ACTION (column 12 lines 17-24), and even subcategories, but nothing more.

Schein fails to teach or suggest "displaying at least one visual cue corresponding to each of the two or more categories...wherein the at least one visual cue is selected from a group consisting of a video clip of each genre, a trailer from each genre, textual information describing each genre, and specific programs relating to each genre" as

presently claimed in claim 1; “a display that displays at least one visual cue corresponding to each of the two or more categories on the user interface...wherein the at least one visual cue is selected from a group consisting of a video clip of each genre, a trailer from each genre, textual information describing each genre, and specific programs relating to each genre” as recited in claim 9; and “displaying at least one visual cue corresponding to each of the two or more categories...wherein the at least one visual cue is selected from a group consisting of a video clip of each genre, a trailer from each genre, textual information describing each genre, and specific programs relating to each genre” as recited in claim 19.

Because Schein is deficient in this regard, the rejection of claims 1, 9, and 19 (as well as any claims dependent thereon) as anticipated by Schein is improper. This rejection should therefore be withdrawn.

The rejection of claims 7, 8, 15, 16, 18, and 20 under 35 U.S.C. § 103(a) for obviousness over Schein in view of U.S. Patent No. 7,209,942 to Hori (“Hori”) is rendered moot with respect to the presently cancelled claims and is otherwise respectfully traversed.

The teachings and deficiencies of Schein are noted above. The PTO has failed to demonstrate how the combination of Schein and Hori overcomes the above-noted deficiencies of Schein with respect to claims 1, 9, and 19 as present herein. Therefore, the subject of claims 1, 9, and 19 as well as claims 7, 8, 15, 16, and 20 dependent thereon is non-obvious over the combination of Schein and Hori.

Moreover, applicant submits that the combination of Hori and Schein would have failed to teach or suggest to the person of ordinary skill in the art the provision of visual cues relating to the genre of a particular program. As noted above, Schein merely provides categorical lists or subcategorical lists of genres while Hori simply provides the results of keyword searches of multimedia content in a format like that shown in Figure 8 thereof. But despite these teachings, the combination of Schein and Hori would not allow a user to provide feedback on a selected genre if it is not clear whether a program belongs to the genre. In contrast, the present invention provides further information, such as a video clip of each genre, a trailer from each genre, textual information describing each genre, and specific programs relating to each genre, so that the user can understand the types of program that fits in the genre, and thus provide feedback *for generating a recommendation*. As a consequence, the recommender according to the presently claimed invention can provide more relevant programs in accordance with the viewer’s preferences. The combination of

Schein and Hori would not have suggested the method and apparatus for generating a recommendation in accordance with the claimed invention.

In addition, applicant submits that the PTO has failed to demonstrate that the combination of Schein and Hori would have suggested displaying a selection means (or a button displayed on the user interface) corresponding to each of the two or more categories and “displaying the at least one visual cue corresponding to the two or more categories *upon selection of the selection means*” as presently recited in claim 7. Neither Schein nor Hori includes a selection means (or button); instead, Schein merely provides a listing of categories and Hori simply describes a display of thumbnail images along with keywords used to search the multimedia content (Figure 8 and accompanying description of Hori). Because neither reference describes a selection means associated with the visual cue *upon selection of the selection means*, the rejection is improper. Likewise, the combination of Schein and Hori similarly fails to teach or suggest the limitations of claims 15 and 16, and claim 20.

For all these reasons, the rejection of claims 7, 8, 15, 16, 18, and 20 for obviousness over Schein in view of Hori is improper and should be withdrawn.

Finally, applicant notes that the PTO has not generated a filing receipt for the present application. Therefore, applicant respectfully requests the return of a filing receipt to the attention of the undersigned attorney at the address listed below.

In view of all of the foregoing, applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Dated: October 16, 2008

/Edwin V. Merkel/

Edwin V. Merkel

Registration No. 40,087

NIXON PEABODY LLP
1100 Clinton Square
Rochester, New York 14604-1792
Telephone: (585) 263-1128
Facsimile: (585) 263-1600